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LADAS & PARRY
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of :
Arun Kumar Sihna :
Application No. 09/652,376 : **DECISION DISMISSING REQUEST**
Filed: August 31, 2000 :
Attorney Docket No. U012930-9 :

This is a response to the request filed August 18, 2003, requesting, in effect, that the accompanying notice of appeal be considered filed on August 14, 2003.

The applicant included a statement indicating that the notice of appeal "would have been filed August 14, 2003, if it were not for the power outage."

The USPTO designated the interruption in the service of the USPS that occurred as a result of the power outage on Thursday, August 14, 2003, in the Northeast and Midwest United States as a postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). On August 15, 2003, a notice was posted on the USPTO website which indicated that correspondence that would have been filed with the USPTO under 37 CFR 1.10 during the USPS service interruption, but which was not filed due to the USPS service interruption, should be promptly filed after the termination of the interruption with a statement that the correspondence would have been deposited with the USPS **but for the designated interruption or emergency in "Express Mail" service**. Thereafter, on August 19, 2003, a second notice was posted on the USPTO website which indicated that the USPTO had terminated the designation of this interruption in the service of the USPS as postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). This notice stated that correspondence that would have been filed with the USPTO under 37 CFR 1.10 on August 14, 2003, through August 16, 2003, but which was not filed due to the USPS service interruption, should now be filed with the USPTO under 37 CFR 1.10 with a statement that the correspondence would have been deposited with the USPS on August 14, 2003, August 15, 2003, or August 16, 2003, but for the designated interruption in the "Express Mail" service of the USPS. This notice also made it clear that the provisions of 35 U.S.C. 21(a) and 37 CFR 1.6(e) apply only to postal service interruptions and emergencies and not to other exigencies.

The notice of appeal along with the statement was mailed by first class mail on August 18, 2003, and received in the Office on August 20, 2003. The correspondence includes a certificate of mailing stating that this correspondence is being deposited with the United States Postal Service

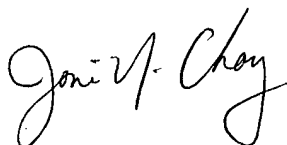
as first class mail on August 18, 2003. There is no evidence that the correspondence would have been filed under 37 CFR 1.10 by Express Mail but for the designated interruption or emergency in "Express Mail" service. The power outage did not prevent correspondence from being deposited in first class mail on August 14, 2003, through August 16, 2003.

The request is dismissed.

The notice of appeal is filed on August 18, 2003 after the time period for reply set forth in the final Office action mailed February 14, 2003 has expired.

The application is being forwarded to Technology Center Art Unit 1621 for further processing.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-3858.

A handwritten signature in cursive script, reading "Joni Y. Chang".

Joni Y. Chang
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy